

Revised: March 8, 2018

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		:
Pavon Hernandez et al		:
	Plaintiff(s),	: No. <u>20</u> -cv- <u>4741</u> () (OTW)
		:
-against-		:
		:
Gemini Diner Inc. et al		:
	Defendant(s).	:
		:
-----X		:

REPORT OF RULE 26(f) MEETING AND PROPOSED CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on 11/12/2020 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues

Plaintiff:

Plaintiffs bring claims under the Fair Labor Standards Act and the New York labor law for unpaid minimum wage and overtime compensation, notice and recordkeeping violations , and unlawful deductions, including liquidated damages, interest, attorneys' fees and costs

Defendant:

Upon their initial investigation, Defendants refute and deny Plaintiff's claims and further deny that Defendants have violated the FLSA or NYLL.

2. Basis of Subject Matter Jurisdiction: 28 USC 1331, the FLSA, 28 USC 1367

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3. Subjects on Which Discovery May Be Needed

Plaintiff:

Defendants' employment policies and practices, hours of plaintiffs' employment and timekeeping procedures.

Defendant:

Discovery requests directed to Plaintiffs requesting the factual support which Plaintiffs rely upon to substantiate their claims.

4. Informal Disclosures

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on 11/12/2020. In addition, on 11/12/2020, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on 11/12/2020. In addition, on 1/12/2020, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

5. Formal Discovery

The parties jointly propose to the Court the following discovery plan:

a. All fact discovery must be completed by 5/19/2021.

b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

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provided that the parties meet the deadline for completing fact discovery set forth in 3(a) above.

- i. Depositions: Depositions shall be completed by 5/19/2021 and limited to no more than 10 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before 2/6/2021. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before 2/6/2021.
- iv. Requests for Production: Initial requests for production were/will be exchanged on 2/6/2021 and responses shall be due on 3/8/2021. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

None anticipated

7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? No
- b. Last date to amend the Complaint: 2/8/2021

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8. Expert Witness Disclosures

At this time, the parties do do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by _____.

9. Electronic Discovery and Preservation of Documents and Information

a. Have the parties discussed electronic discovery? No

b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? To be discussed after initial discovery productions.

c. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

No

10. Anticipated Motions

Possible Motion for Conditional Collective Certification

11. Early Settlement or Resolution

The parties have have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than _____. The following information is needed before settlement can be discussed:

12. Trial

a. The parties anticipate that this case will be ready for trial by _____.

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b. The parties anticipate that the trial of this case will require 3-5 days.

c. The parties do do not (circle one) consent to a trial before a Magistrate

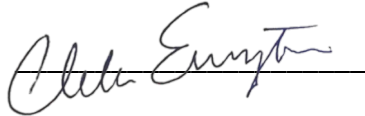
Judge at this time.

d. The parties request a jury/bench (circle one) trial.

13. Other Matters

Respectfully submitted this 12th day of November.

ATTORNEYS FOR PLAINTIFF(S):



ATTORNEYS FOR DEFENDANT(S):

